

4.3 BIOLOGICAL RESOURCES

This section evaluates the potential for implementation of the Specific Plan (proposed project) to have substantial adverse impacts on biological resources. Data used to prepare this section were obtained through the California Natural Diversity Database, USFWS Endangered and Threatened Species List, California Native Plant Society Electronic Inventory search for the proposed project (Appendix C [Sensitive Species]), and City of Huntington Beach General Plan. Full bibliographic entries for all reference materials are provided in Section 4.3.8 (References) at the end of this section.

All comments received in response to the Initial Study/Notice of Preparation (IS/NOP) circulated for the proposed project were taken into consideration during preparation of this Environmental Impact Report (EIR), and if relevant, have been addressed in the appropriate section within this document.

4.3.1 Environmental Setting

As shown in Figure 3-1 (Project Vicinity and Regional Location Map) within Chapter 3 (Project Description), the project site extends along Beach Boulevard, from the Coastal Zone boundary in the south to Edinger Avenue, and along Edinger Avenue from Beach Boulevard westward to Goldenwest Street.

■ Land Uses

Existing Land Uses

The project site is predominantly developed and consists of commercial, retail, office, and residential uses, as further described in Chapter 3. Urban landscapes (i.e., trees and landscaped areas) are intermixed with the developed uses, and vacant land is located within the northernmost portion of the project site and in small isolated areas along Beach Boulevard. The vacant land in the northern portion is inclusive of two parcels—one parcel is the Southern California Edison (SCE) right-of-way (ROW), and the other parcel is owned by the City's Redevelopment Agency. For ease of analysis, these two undeveloped parcels are collectively referred to as the SCE ROW throughout this section. Figure 3-2 (Existing Land Use) illustrates the location of the various existing land uses within the Specific Plan.

Surrounding Land Uses

The project site is generally bound by existing residential neighborhoods that lie immediately to the east and west of the commercial corridors. A few open space areas are within or about the Specific Plan boundaries, including Bartlett Park, the Good Shepherd Cemetery, and a small pocket park located on the northeast corner of Heil Avenue and Beach Boulevard. The eastern portion of Bartlett Park, which is not within the project site, contains a eucalyptus woodland community along a drainage that appears to be fed by a culvert draining Coldwater Lane. These open space areas may serve as local and regional nesting and/or foraging areas for wildlife, but would not be affected by implementation of the proposed project.

4.3.2 Methodology

■ Database Search

Information on occurrences of special-status species in the vicinity of the project site was obtained from searching databases and lists of California Department of Fish and Game's (CDFG) California Natural Diversity Database (CNDDDB; November 2008) for the U. S. Geological Survey's (USGS) 7.5-minute Newport Beach, Seal Beach, Los Alamitos and Anaheim quadrangles. This search range encompasses a sufficient distance to accommodate for regional habitat diversity and to overcome the limitations of the CNDDDB. The CNDDDB is based on reports of actual occurrences and does not constitute an exhaustive inventory of every resource.

Information on the status of special-status plant and animal species potentially occurring within the project site was obtained from the CDFG's Special Vascular Plants, Bryophytes, and Lichens List (January 2009), the CDFG's List of State and Federally Listed Endangered and Threatened Animals of California (October 2008), and the CDFG's list of Special Animals (February 2008).

Additionally, background information on biological resources was derived from A Guide to Wildlife Habitats of California (Mayer and Laudenslayer, 1998), the List of California Terrestrial Natural Communities Recognized by the CNDDDB (CDFG, September 2003), and Trees and Shrubs of California (J.D. Stuart and J.O Sawyer, Ed. 2001). Blooming periods were taken from the California Native Plant Society (CNPS) Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California. Based upon the results of the literature review and record searches, a list of special-status plant and animal species and habitats with the potential to occur within the project site was developed for verification in the field (see Appendix C—Sensitive Species Potentially Occurring within the Specific Plan Project Site).

■ Field Survey

PBS&J performed a general survey on January 21, 2009 to assess the biological resources within the Specific Plan project site. The survey was conducted by driving along the proposed corridor of the Specific Plan, and surveying the open space areas within and surrounding the project site.

Vegetation Communities

The Specific Plan project site has been entirely developed, paved, landscaped, and/or graded, and as an urban community supports primarily, if not exclusively, nonnative plant species. However, ruderal vegetation occurs on the approximately seven-acre undeveloped SCE ROW property located in the northernmost parcel of the Specific Plan area, and is further described below.

Urban

The structure of urban habitats, as defined by Mayer and Laudenslayer (1988), varies with five types of vegetative structures defined: tree grove (variety of tree species with a continuous canopy, found in city

parks and green belts), street strip (variety of tree species, along with various spacing and canopy densities), shade/lawn tree (variety of tree species -reminiscent of natural savannahs), lawn (variety of grass species), and shrub cover (hedges). Species composition in urban habitats varies with planting design and climate. A distinguishing feature of the urban wildlife habitat is the mixture of native and exotic species. The most dominant species observed in this habitat were southern magnolia (*Magnolia hypoleuca*), western sycamore (*Platanus racemosa*), maple (*Acer* sp.), pine (*Pinus* sp.), prickly sow thistle (*Sonchus asper*), eucalyptus (*Eucalyptus* sp.), and numerous palm species.

Ruderal

Though not a true habitat community as defined by Mayer and Laudenslayer (1988), ruderal areas are dominated by highly adaptive and invasive species, with few to no native species, and are found most frequently in areas disturbed by human activities such as agriculture, construction, or other land clearing activities. Ruderal habitat typically occurs throughout areas such as, vacant lots, abandoned oil fields, roadsides, and parks. The dominant plants observed within this community included Russian thistle (*Salsola tragus*), dwarf nettle (*Urtica urens*) and cheeseweed (*Malva* sp.). Ruderal vegetation comprises all seven acres of the SCE property.

Plant Survey

Because the Specific Plan project site has been developed, paved, and landscaped, it does not support sensitive (including threatened and endangered) plant species. The project site is defined by common street trees and ornamental species that are typically present in developed areas. Plant species observed are provided above in the habitat discussions.

Wildlife Survey

Because the Specific Plan area has been developed, paved, landscaped, and/or graded, only common species that are typically present in developed areas were observed during the reconnaissance survey or are anticipated to be present. Birds were identified by standard visual and auditory recognition, and the presence of nests or other evidence of breeding activity was noted. Due to the developed nature of the Specific Plan area, birds that are typically present in developed areas were observed, including common raven (*Corvus corvax*), American crow (*Corvus brachyrhynchos*), house sparrow (*Passer domesticus*), and sea gulls (*Larus* sp.).

4.3.3 Special-Status Biological Resources

The following section addresses special-status biological resources reported, or having the potential to occur within the Specific Plan area. These resources include plant and wildlife species that have been afforded special status and/or recognition by federal and state agencies. In general, the principal reason an individual taxon (species, subspecies, or variety) is given such recognition is the documented or perceived decline or limitation of its population size or geographical extent and/or distribution, resulting in most cases from habitat loss. Special-status biological resources include vegetation types and habitats

that are unique, of relatively limited distribution in the region, or of particularly high wildlife value. The following sources were used to determine the special status of biological resources:

- **Plants**—CNDDDB, November 2008; USFWS, September 2008; CNPS, December 2008
- **Wildlife**—CNDDDB, November 2008; USFWS, September 2008
- **Habitats**—CNDDDB, November 2008

The potential to occur within the Specific Plan area was based on the following criteria:

- *Absent*: Identification of the species or species is restricted to habitats that do not occur within the Specific Plan area.
- *Low*: No records exist of the species occurring within the Specific Plan area or its vicinity, or habitats needed to support the species are of poor quality.
- *Moderate*: A historical record exists of the species within the vicinity of the Specific Plan area and/or the habitat requirements associated with the species occur within the Specific Plan area.
- *High*: Both a historical record exists of the species within the Specific Plan area or its immediate vicinity (approximately one mile) and the habitat requirements associated with the species occur within the Specific Plan area.
- *Species Observed*: The species are known to be observed within the Specific Plan area.

A total of 77 special status species were identified as having been recorded or having the potential to be impacted by projects located within the USGS 7.5-minute quadrangle map for the Seal Beach and three surrounding quadrangles according to the CNDDDB, CNPS, and USFWS. Appendix C provides a list of these species and their status.

■ Federally and State-Listed Species

Based on the literature review, 31 state and/or federally listed threatened or endangered species were identified as potentially occurring within the project site, or reported by the CNDDDB, USFWS or CNPS as occurring within the USGS 7.5-minute quadrangle map for the Seal Beach and three surrounding quadrangles (see Appendix C). Each of the State and/or federally listed species and its probability of occurrence are described in more detail in the species accounts that follow. As discussed below, all 31 species are considered to be *absent* due to lack of suitable habitat within the project site and/or distance from closest known occurrence.

Wildlife

Quino checkerspot butterfly (*Euphydryas editha quino*). The quino checkerspot butterfly is listed as endangered by USFWS. This species was once scattered throughout chaparral and scrubland communities in northern Baja California (Mexico), and San Diego, Orange, and Riverside Counties; however, its range has been very largely altered to the extent that very little of it is now occupiable or restorable. The quino checkerspot butterfly has not been observed within 5 miles of the Specific Plan area, and no suitable habitat exists within the project site. As such, this species can be considered absent.

Riverside fairy shrimp (*Streptocephalus woottoni*). The Riverside fairy shrimp is listed as federally endangered by the USFWS. The five original pools from which it was collected are all in western Riverside County in an area about 13 by 7 kilometers, between elevations of 348 and 413 meters, near Temecula and Rancho California. Subsequent localities have been found in Los Angeles, Orange, San Diego, and Ventura Counties, California. In total, the range of this species extends from coastal southern California south to northwestern Baja California, Mexico. Riverside fairy shrimp have been found in seasonally astatic (dry up and refill one or more times during the year) vernal pools, and occur in earth slump basins or tectonic swales, in patches of grassland and agriculture interspersed in coastal sage scrub vegetation. This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

San Diego fairy shrimp (*Branchinecta sandiegonensis*). The San Diego fairy shrimp is listed as endangered by the U.S. Fish and Wildlife Service (USFWS). The San Diego fairy shrimp is known to occur within a limited area of coastal mesas in Orange and San Diego counties. The San Diego fairy shrimp appears when late fall, winter, and spring rains fill small, shallow, unpredictable seasonal vernal pools. Maximum longevity of adults in the field is about 42 days, following a 10 to 20 day maturation period. Though the San Diego fairy shrimp has been observed within 5 miles of the Specific Plan, there is no suitable habitat within the project site. As such, this species can be considered absent.

Santa Ana sucker (*Catostomus santaanae*). The Santa Ana sucker is listed as threatened by the USFWS. The Santa Ana sucker is found in perennial streams, in water ranging in depth from a few centimeters to a meter or more. Preferred substrates are generally coarse, and consist of gravel, rubble, and boulders, with growths of filamentous algae, but occasionally they are found on sand/mud substrates. This species appears to be most abundant where the water is cool, clean, and clear, although the species can tolerate seasonally turbid water. The Santa Ana sucker is intolerant of polluted or highly modified streams; consequently, the water quality must be maintained to provide breeding locations for this species. The Santa Ana sucker has not been observed within 5 miles of the Specific Plan, and there is not suitable habitat within the project site. As such, this species can be considered absent.

Southern steelhead (*Oncorhynchus mykiss*). The southern steelhead is listed as endangered by USFWS. This species is native to streams along the Pacific coast of North America from the Kuskokwim River, Alaska, south to northern Baja California. Resident populations now inhabit small headwater streams, large rivers, lakes, or reservoirs, often in cool clear lakes and cool swift streams with silt-free substrate. The southern steelhead has not been observed within 5 miles of the Specific Plan, nor is suitable habitat located within the project site. As such, this species can be considered absent.

Tidewater goby (*Eucyclogobius newberryi*). The tidewater goby is listed as endangered by USFWS. This species is historically widespread in brackish coastal lagoons and coastal creeks in California from the mouth of the Smith River, Del Norte County, south to Agua Hedionda Lagoon, San Diego County. The tidewater goby has not been observed within 5 miles of the Specific Plan, and no suitable habitat exists within the project site. As such, this species can be considered absent.

Arroyo toad (*Bufo californicus*). The arroyo toad is listed as endangered by the USFWS and a state species of concern by CDFG. Endemic to California and northern Baja California, this species ranges

west of the desert in coastal areas from the upper Salinas River system in San Luis Obispo county to northwestern Baja California. The arroyo toad inhabits washes, arroyos, sandy riverbanks, and riparian areas with willows, sycamores, oaks, cottonwoods. It has extremely specialized habitat needs, including exposed sandy streambanks with stable terraces for burrowing with scattered vegetation for shelter, and areas of quiet water or pools free of predatory fishes with sandy or gravel bottoms without silt for breeding. This species has not been observed within 5 miles of the Specific Plan, and there is no suitable habitat within the project site. As such, this species can be considered absent.

California red-legged frog (*Rana aurora draytoni*). The California red-legged frog is listed as federally threatened by the USFWS. Its native historical range extended from southern Mendocino County in northwestern California south (primarily west of the Cascade-Sierra crest) to northwestern Baja California. Range is now much reduced in the Sierra Nevada and in southern California, but the species is still present throughout much of its former range in the central California coast range. The California red-legged frog is usually found in or near quiet permanent water of streams, marshes, ponds, lakes, and other quiet bodies of water. This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

Belding's savannah sparrow (*Passerculus sandwichensis* ssp. *beldingi*). The Belding's savannah sparrow is listed as endangered by the CDFG. The Belding's savannah sparrow is a small, brown, resident songbird. The Belding's savannah sparrow occurs in coastal areas of southern California and Baja California where it is a year-round resident of coastal salt marshes and associated mudflats and salt flats. Dense stands of pickleweed in the upper region of salt marshes that flood only during extremely high spring tides are its preferred nesting habitat. Belding's savannah sparrow forages on insects in the marsh and intertidal zone as well as in nearby mudflats and salt flats. Although very little is known about the Belding's savannah sparrow's breeding habits, nesting season is typically from April through July. The females build a nest above the highest tide line to avoid being flooded. The nest materials are comprised of pickleweed twigs and hair. The Belding's savannah sparrow occurs within wetland habitat of Long Beach, Seal Beach, and Newport Beach. The Belding's savannah sparrow has not been observed within 5 miles of the Specific Plan, and there is no suitable habitat within the project site. As such, this species can be considered absent.

Brown pelican (*Pelecanus occidentalis*). The brown pelican is listed as endangered by the USFWS and the subspecies (*Pelecanus occidentalis californicus*) is listed as endangered by CDFG. Its range is mainly coastal, and it feeds mostly in shallow estuarine waters, less often up to 40 miles from shore. In western North America, this species winters mainly from California south, and the California brown pelican breeds along Pacific coast in southern California (Anacapa Island), and in Mexico on islands off Baja California and on islands in the Gulf of California (south to Isabella and the Tres Marias Islands). This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

California black rail (*Laterallus jamaicensis coturniculus*). The California black rail is listed as threatened by the CDFG. The historical distribution of the California black rail ranged from the San Francisco Bay area and the delta of the Sacramento and San Joaquin rivers south, along the coast to northern Baja California. California black rails are still present within the remaining tidal marshlands of

northern and coastal southern California. Significant loss of saltwater and freshwater wetland habitat in recent decades has significantly reduced the populations of California black rail. California black rails prefer to live in tidal salt marshes with a heavy canopy of pickleweed and an open structure below the canopy for nesting. The breeding season begins in February, normally with a single brood with an average clutch size of six eggs. California black rails have been reported to abandon their nests if disturbed before completing their clutch, but have not been noted in the area since 1970. There is no suitable habitat for the California black rail within the Specific Plan area. The California black rail has not been observed within 5 miles of the Specific Plan, nor is suitable habitat located on the project site. As such, this species can be considered absent.

California least tern (*Sterna antillarum* ssp. *browni*). The California least tern is listed as endangered by both the USFWS and CDFG. The California least tern is a medium-sized black and white migratory bird. Historic nesting sites were primarily sandy, ocean beach strand areas near estuaries and river mouths. Locally, it breeds from April to September along the coast of southern California in abandoned salt ponds, on sandy beaches, and along estuarine shores. Though the California least tern has been observed within 5 miles of the Specific Plan, there is no suitable habitat within the project site. As such, this species can be considered absent.

Coastal California gnatcatcher (*Poliophtila californica californica*). The coastal California gnatcatcher is listed as threatened by the USFWS. The coastal California gnatcatcher is an obligate resident of southern California coastal sage scrub communities near arid hillsides, mesas, and washes. Though the coastal California gnatcatcher has been observed within 5 miles of the Specific Plan, there is no suitable habitat within the project site. As such, this species can be considered absent.

Least Bell's vireo (*Vireo bellii pusillus*). The least Bell's vireo is listed as a State and federally endangered species by the CDFG and USFWS. The Least Bell's Vireo occurs in moist thickets and riparian areas that are predominantly composed of willow and mule fat. This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

Light-footed clapper rail (*Rallus longirostris levipes*). The light-footed clapper rail is listed as endangered by both the USFWS and CDFG. The light-footed clapper rail inhabits coastal salt and freshwater marshes, containing cordgrass, cattails or tules, and rushes and forages in higher marsh vegetation, along vegetation and mudflat interface, and along tidal creeks. Light-footed clapper rail population declines were due to habitat loss of floodplain river areas and tidal estuaries. It is found within Seal Beach National Wildlife Refuge, Upper Newport Bay, and Bolsa Chica Ecological Reserve. Though the light-footed clapper rail has been observed within 5 miles of the Specific Plan area, there is no suitable habitat within the project site. As such, this species can be considered absent.

Short-tailed albatross (*Phoebastria albatrus*). The short-tailed albatross is listed as federally endangered by the USFWS. Short-tailed albatrosses now nest on only one island in Japan, but when at sea feeding they range across the North Pacific, particularly in the Bering Sea where the largest numbers are seen today, but also as far east as California. This species has not been observed within 5 miles of the

Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

Southwestern willow flycatcher (*Empidonax traillii extimus*). The southwestern willow flycatcher is listed as endangered by the USFWS and CDFG. This species requires dense riparian habitats for nesting. The flycatcher is a summer breeder within its range in the United States. It is gone to wintering areas in Central America by the end of September. The southwestern willow flycatcher has not been observed within 5 miles of the Specific Plan area, and no suitable habitat exists within the project site. As such, this species can be considered absent.

Western snowy plover (*Charadrius alexandrinus nivosus*). The western snowy plover was listed as threatened by the USFWS. The Western snowy plover have declined as a nesting species throughout California, in part due to human disturbance of sandy beaches typically used for nesting and roosting. The Pacific coast population of the western snowy plover breeds primarily on coastal beaches from southern Washington to southern Baja California, Mexico. The nesting season extends from early March through late September. The breeding season generally begins earlier in more southerly latitudes, and may be two to four weeks earlier in southern California than in Oregon and Washington. The western snowy plover nests on sandy beaches and dunes by creating a shallow depression as a nest, using driftwood, rocks, or bushes as cover; nests may also be entirely out in the open. Nests typically occur in flat, open areas with sandy or saline substrates. Vegetation and driftwood are usually sparse or absent. Though the western snowy plover has been observed within 5 miles of the Specific Plan, there is no suitable habitat within the project site. As such, this species can be considered absent.

Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The yellow-billed cuckoo is listed as endangered by the CDFG. In California, the western yellow-billed cuckoo requires dense, wide riparian woodlands, with well-developed understories for breeding. It occurs in densely foliated, deciduous trees and shrubs, especially willows that are required for roost sites. It is restricted when breeding to river bottoms and other mesic habitats where humidity is high and where the dense understory abuts slow-moving watercourses, backwaters, or seeps. Willow is almost always a dominant component of the vegetation. The western yellow-billed cuckoo has not been observed within 5 miles of the Specific Plan, nor is suitable habitat located within the project site. As such, this species can be considered absent.

Pacific pocket mouse (*Perognathus longimembris pacificus*). The Pacific pocket mouse is listed as a federally endangered species by the USFWS. The Pacific pocket mouse is a small brownish rodent endemic to coastal southwestern California. Historically, the Pacific pocket mouse range once extended from Los Angeles County south to the Mexican border. Pocket mice are only found within 4 kilometers (km) of the coast on fine-grained sandy substrates in coastal sage scrub, coastal strand, and river alluvium. The species remains one of the most endangered animals in the United States. This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

Southern sea otter (*Enhydra lutris nereis*). The southern sea otter is listed as threatened by USFWS. Its range is throughout the California coast, mainly from Santa Cruz to Pismo Beach. This species

inhabits coastal waters within 2 kilometers of shore, especially shallows with kelp beds and abundant shellfish. The southern sea otter has not been observed within 5 miles of the Specific Plan area, and no suitable habitat exists within the project site. As such, this species can be considered absent.

Plants

Big-leaved crown beard (*Verbesina dissita*). The big-leaved crown beard is listed as threatened by the USFWS and threatened by the CDFG. This species is a perennial herb that is native to California and to Baja California. It inhabits rugged coastal hillsides and canyons in dense southern maritime chaparral communities, and is also known to occur in coastal sage scrub and mixed chaparral communities. The big-leaved crown beard has not been observed within 5 miles of the Specific Plan area, and there is no suitable habitat within the project site. As such, this species can be considered absent.

Braunton's milk vetch (*Astragalus brauntonii*). Braunton's milk vetch is listed as endangered by the USFWS. It's a robust, short-lived perennial in the pea family, is one of the tallest members of the genus (reaching a height of 60 inches), and is covered with woolly hairs. Braunton's milk vetch is associated with the fire-dependent chaparral habitat dominated by chamise (*Adenostoma fasciculatum*), yucca (*Yucca whipplei*), and the rare Tecate cypress (*Cupressus forbesii*). Braunton's milk vetch is currently known from four general areas in Ventura, Los Angeles, and Orange counties. This species has not been observed within 5 miles of the Specific Plan, and there is not suitable habitat within the project site. As such, this species can be considered absent.

California Orcutt grass (*Orcuttia californica*). The California Orcutt grass is listed as endangered by both the USFWS and CDFG. The California Orcutt grass is a member of the grass family (Poaceae) that is a bright green, sticky, aromatic annual with flowers borne in dense spikes. This species was once commonly found in the volcanic terrace and valley vernal pool systems of southern California in Los Angeles, Riverside and San Diego counties. This species was last collected near Lakewood, sometime prior to 1977 and is listed as extirpated by the CNDDDB. The California Orcutt grass has not been observed within 5 miles of the Specific Plan, and there is no suitable habitat within the project site. As such, this species can be considered absent.

Gambel's watercress (*Rorippa gambelii*). The Gambel's watercress is listed as endangered by the USFWS and threatened by CDFG. Gambel's watercress is a perennial herb that characteristically roots from the stem nodes of a horizontal rootstock. This species is classified as an obligate wetland plant, and occurs in freshwater or brackish marshes along the margins of lakes or along slow-moving streams, from 20–60 feet (6–18 meters) in elevation. This species was last collected near Lakewood, sometime prior to 1977 and is listed as extirpated by the CNDDDB. Though Gambel's watercress has been observed within 2 miles of the Specific Plan, there is no suitable habitat within the project site. As such, this species can be considered absent.

Laguna Beach dudleya (*Dudleya stolonifera*). The Laguna Beach dudleya is listed as threatened by the USFWS. This species is a rare succulent plant endemic to the coastline of Orange County, California. It is known from only about six populations in the vicinity of Laguna Beach. The Laguna Beach dudleya is primarily restricted to weathered sandstone and breccia outcrops on cliffs in microhabitats within

coastal sage scrub, chaparral, and southern oak woodland. This species has not been observed within 5 miles of the Specific Plan, and there is not suitable habitat within the project site. As such, this species can be considered absent.

Salt marsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*). The salt marsh bird's beak is listed as endangered by both the USFWS and CDFG. The salt marsh bird's beak occurs in coastal dunes, coastal salt marshes, and swamps along coastal Southern California to Baja. The salt marsh bird's beak flowers from May to October, and can be found at elevations up to 100 feet. The salt marsh bird's beak has not been observed within 5 miles of the Specific Plan, and there is no suitable habitat within the project site. As such, this species can be considered absent.

Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*). The Santa Ana River woolly-star is listed as a State and federally endangered species by the CDFG and USFWS. The Santa Ana River woolly-star is a perennial herb. It occurs in coastal scrub and chaparral on sandy soils, usually on river floodplains or terraced fluvial deposits in the Santa Ana River area as well as San Bernardino and Riverside Counties. The Santa Ana River woolly-star has not been observed within 5 miles of the Specific Plan, and there is no suitable within the project site. As such, this species can be considered absent.

Santa Monica Mountains dudleya (*Dudleya cymosa* ssp. *ovatifolia*). The Santa Monica Mountains dudleya is listed as threatened by the USFWS. This species inhabits shaded rocky slopes of the Santa Monica Mountains. The Santa Monica Mountains dudleya has not been observed within 5 miles of the Specific Plan, and there is no suitable within the project site. As such, this species can be considered absent.

Thread-leaved brodiaea (*Brodiaea filifolia*). The thread-leaved brodiaea is listed as federally threatened by the USFWS and endangered by the CDFG. This species is endemic to southern California, and has been found in Riverside, San Bernardino, and San Diego Counties. Historical occurrences have been within the San Jacinto River floodplain, Riverside County, and the lower San Bernardino Mountains. Thread-leaved brodiaea inhabit grasslands, often in association with vernal pools and in floodplains. This species has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

Ventura marsh milk vetch (*Astragalus pycnostachyus* var. *lanosisimus*). The Ventura marsh milk vetch is listed as endangered by both the USFWS and CDFG. The Ventura marsh milk vetch is an herbaceous perennial in the pea family, typically found within coastal dunes, coastal scrub, marshes, and swamps. The Ventura marsh milk vetch has a thick taproot and multiple erect, reddish stems, 16 to 36 inches tall that emerge from the root crown. The blooming time has been recorded as July to October. With the exception of the extant Ventura County population, the species is believed extirpated from all other areas from which it has been collected. The single known population of the Ventura Marsh milk vetch occurs in a degraded site near the City of Oxnard. The Ventura marsh milk vetch has not been observed within 5 miles of the Specific Plan, and there's no suitable habitat within the project site. As such, this species can be considered absent.

■ Other Sensitive Biological Resources

Vegetation

Sensitive Plants

In addition to the federal and State listed species detailed above, the CNDDDB database review resulted in the identification of eighteen additional sensitive plant species that have a potential to occur on, or within the vicinity of, the project site. The sensitive plant species are listed in Appendix C. Taking into account the habitat, elevation, and blooming periods of each species, none of the eighteen sensitive plant species have a potential to occur within the project site due to the lack of suitable habitat within the Specific Plan boundaries and surrounding areas. Although nonlisted, special-status species carry no official state or federal listing, the California Environmental Quality Act (CEQA) requires consideration of them during the environmental documentation process due to their limited distribution and/or declining numbers.

Sensitive Habitats

In addition to individual plant species, special-status habitats are considered important because of their high species diversity, high productivity, limited distribution, declining status, or a combination of these qualities. These habitats are recognized as important by local, State, and federal agencies, and identified by the CNDDDB as having a rarity ranking of “imperiled” or higher. According to the CNDDDB review, three sensitive habitats are known to occur in the vicinity of the Specific Plan area: (1) Southern Coastal Salt Marsh, (2) Southern Dune Scrub, and (3) Southern Foredunes. However, based on the recorded occurrences in CNDDDB, and the distance from the project site to the coast, none of these sensitive habitats or any other sensitive habitats occur within the project site.

Wildlife

In addition to the federal and State listed species detailed above, the CNDDDB review resulted in the identification of eighteen sensitive wildlife species that have the potential to occur on or within the vicinity of the project site. The sensitive wildlife species are listed in Appendix C. Taking into account the habitat, elevation, and habitat requirements/restrictions of each species, none of the eighteen sensitive wildlife species have a potential to occur within the project site due to the lack of suitable habitat.

4.3.4 Wildlife Movement

Wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. Fragmentation can also occur when a portion of one or more habitats is converted into another habitat, such as when woodland or scrub habitat is altered or converted into grasslands after a disturbance such as fire, mudslide, or grading activities. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, would not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new

individuals and genetic information (Soule 1987; Harris and Gallagher 1989; Bennett 1990). Wildlife corridors mitigate the effects of this fragmentation by (1) allowing animals to move between remaining habitats, thereby permitting depleted populations to be replenished and promoting genetic exchange; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk of catastrophic events (such as fire or disease) on population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983; Simberloff and Cox 1987; Harris and Gallagher 1989).

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, or individuals extending range distributions); (2) seasonal migration; and (3) local movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as “wildlife corridor,” “travel route,” “habitat linkage,” and “wildlife crossing,” to refer to areas in which wildlife move from one area to another. To clarify the meaning of these terms and facilitate the discussion of wildlife movement in this analysis, these terms are defined as follows:

- **Travel route**—A landscape feature (such as a ridgeline, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another. It contains adequate food, water, and/or cover while moving between habitat areas and provides a relatively direct link between target habitat areas.
- **Wildlife corridor**—A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as “habitat or landscape linkages”) can provide both transitory and resident habitat for a variety of species.
- **Wildlife crossing**—A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These often represent “choke points” along a movement corridor.

Within a large open space area in which there are few or no manmade or naturally occurring physical constraints to wildlife movement, wildlife corridors, as defined above, may not yet exist. Given an open space area that is both large enough to maintain viable populations of species and provide a variety of travel routes (canyons, ridgelines, trails, riverbeds, and others), wildlife would use these “local” routes while searching for food, water, shelter, and mates, and would not need to cross into other large open space areas. Based on their size, location, vegetative composition, and availability of food, some of these movement areas (e.g., large drainages and canyons) are used for longer lengths of time and serve as source areas for food, water, and cover, particularly for small- and medium-size animals. This is especially true if the travel route is within a larger open space area. However, once open space areas become constrained and/or fragmented as a result of urban development or construction of physical obstacles,

such as roads and highways, the remaining landscape features or travel routes that connect the larger open space areas can “become” corridors as long as they provide adequate space, cover, food, and water, and do not contain obstacles or distractions (e.g., manmade noise, lighting) that would generally hinder wildlife movement.

The Specific Plan project site does not function as an important regional wildlife corridor because it has been developed, paved, landscaped, and/or graded. The areas immediately surrounding the project site are also highly urbanized with commercial and residential development, including major highways. Vacant land within the SCE right-of-way exists in the northernmost portion of the project site and in isolated parcels along Beach Boulevard; however, these are isolated from other vacant land in the region and do not provide habitat as part of a migratory corridor. Further, the immediate surrounding areas are highly urbanized (including the I-405 freeway to the north and east, and Pacific Coast Highway to the south), thereby disturbing any potential migratory paths. As such, with the possible exception of migratory birds, the Specific Plan area does not fit into any of the wildlife movement categories previously described (travel route, wildlife corridor, or wildlife crossing).

4.3.5 Regulatory Framework

■ Federal

Endangered Species Act of 1973

The Endangered Species Act (ESA) and implementing regulations, Title 16 *United States Code* (USC) §1531 et seq. (16 USC 1531 et seq.), Title 50 *Code of Federal Regulations* (CFR) §17.1 et seq. (50 CFR §17.1 et seq.), includes provisions for the protection and management of federally listed threatened or endangered plants and animals and their designated critical habitats. Section 7 of the ESA requires a permit to take threatened or endangered species during lawful project activities. The administering agency for the above authority is the USFWS for terrestrial, avian, and most aquatic species. The National Marine Fisheries Service is responsible for administering the federal ESA as it applies to marine species and anadromous fish.

Fish and Wildlife Coordination Act

Section 7 of *Fish and Wildlife Coordination Act*, 16 USC 742 et seq., 16 USC 1531 et seq., and 50 CFR 17 requires consultation if any project facilities could jeopardize the continued existence of an endangered species. Applicability depends on federal jurisdiction over some aspect of the project. The administering agency for these authorities is expected to be the Corps in coordination with the USFWS.

Migratory Bird Treaty Act

The *Migratory Bird Treaty Act* (MBTA) (16 USC §§703–711) includes provisions for protection of migratory birds, including the nonpermitted take of migratory birds, under the authority of the USFWS and CDFG. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species.

Clean Water Act of 1977, Section 404

This section of the Act (33 USC 1251 et seq., 33 CFR §§320 and 323) gives the Corps authority to regulate discharges of dredge or fill material into waters of the U.S., including wetlands. There are no wetlands located within the Specific Plan area, as defined by the *Clean Water Act*.

Clean Water Act of 1977, Section 401

This section of the Act requires a state-issued Water Quality Certification for all projects regulated under Section 404. In California, the RWQCB issues Water Quality Certifications with jurisdiction over the Specific Plan area. The RWQCB, Santa Ana Region, issues Section 401 Water Quality Certifications for Orange County.

■ State

California Endangered Species Act

The *California Endangered Species Act* (CESA) declares that deserving plant or animal species will be given protection by the state because they are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the state. CESA established that it is state policy to conserve, protect, restore, and enhance endangered species and their habitats. Under State law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the California Fish and Game Commission. Listed species are generally given greater attention during the land use planning process by local governments, public agencies, and landowners than are species that have not been listed.

CESA authorizes that “Private entities may take plant or wildlife species listed as endangered or threatened under the federal ESA and CESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the federal ESA, if the California Department of Fish and Game (CDFG) certifies that the incidental take statement or incidental take permit is consistent with CESA (Fish & Game Code § 2080.1(a)).”

California Environmental Quality Act—Treatment of Listed Plant and Animal Species

Although threatened and endangered species are protected by specific federal and State statutes, Section 15380(b), (c) and (d) of the CEQA Guidelines provides that a species not listed on the federal or State list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These would include those species identified as endangered, rare, or threatened as defined in Section 15380 (b) of the State CEQA Guidelines.

- 1) “Endangered” when its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or
- 2) “Rare” when either:

- (A) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environmental worsens; or
- (B) The species is likely to become endangered within the foreseeable future throughout all or significant portion of its range and may be considered “threatened” as that term is used in the Federal Endangered Species Act.

Under Section 15380 (c) of the State CEQA Guidelines, “a species of animal or plant shall be presumed to be endangered, rare or threatened, if it is listed in:

1. Sections 670.2 or 670.5, Title 14, California Code of Regulations [otherwise known as the California Endangered Species Act, CESA]; or
2. Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act [FESA] as rare, threatened, or endangered.”

Under Section 15380 (d) of the State CEQA Guidelines, “A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the following criteria:

- When its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including the loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or
- Although not presently threatened with extinction, the species is existing in such small numbers through all or a significant portion of its range that it may become endangered if its environment worsens; or
- The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered ‘threatened’ as the term is used in the FESA.”

Two other sources for sensitive species are the California Species of Special Concern and Fully Protected Species lists; and the CNPS “RARE” listings. The status “State Species of Special Concern” and “Fully Protected Species” apply to animals not listed under the FESA and CESA, but which nonetheless either (1) are declining at a rate that could result in listing or (2) historically occurred in low numbers and known threats to their persistence currently exist. The CNPS Inventory of Rare and Endangered Vascular Plants of California is sanctioned by CDFG, and serves as a Species of Special Concern list for plants. For purposes of CEQA review, observed plant and wildlife Species of Special Concern, and plants with a CNPS designation of 1a, 1b, and 2 that could potentially occur in the area, are considered sensitive species, as well as any others that meet the requirements under the State CEQA Guidelines Section 15380(b), (c), or (d).

The significance of impacts to a species under CEQA must be based on analyzing actual rarity and threat of extinction despite legal status or lack thereof.

Porter-Cologne Water Quality Control Act

Under the *Porter-Cologne Act*, the State Water Resources Control Board (SWRCB) is responsible for adopting water quality standards as required to fulfill the state's responsibilities under the federal CWA (Sections 401 and 402), and for regulating discharges to groundwater.

Fish and Game Code of California

The *Fish and Game Code* provides specific protection and listing for several types of biological resources.

Section 1600 of the *Fish and Game Code* requires a Streambed Alteration Agreement for any activity that may alter the bed and/or bank of a stream, river, or channel. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement. There is no riparian habitat within the Specific Plan area.

Section 2081(b) and (c) of the CESA allows CDFG to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 CCR, Sections 783.4(a) and (b). No Section 2081(b) permit may authorize the take of “fully protected” species and “specified birds.” If a project is planned in an area where a species or specified bird occurs, an Applicant must design the project to avoid all take; the CDFG cannot provide take authorization under CESA.

Native Plant Protection Act of 1977

The *Native Plant Protection Act of 1977* and implementing regulations in Section 1900 et seq. of the *Fish and Game Code* designates rare and endangered plants, and provides specific protection measures for identified populations. It is administered by the CDFG.

Wetlands Conservation Policy of 1993

This policy provides for the protection, preservation, restoration, enhancement, and expansion of wetland habitats in California. Primarily it acts to ensure no overall net loss of wetlands within the state and achieve a long-term net gain in the quantity, quality, and permanence of wetlands acreage and values in California in a manner that fosters creativity, stewardship, and respect for private property. The administering agencies for this authority are the CDFG, the California Environmental Protection Agency (Cal-EPA), and the RWQCB. There are no wetlands located within the Specific Plan area.

■ Local

The goals and policies of the City’s General Plan that are potentially relevant to the proposed project are identified below.

City of Huntington Beach General Plan—Land Use Element

The Land Use Element includes goals and policies that have been developed to minimize potential impacts to biological resources.

Goal LU 5 Ensure that significant environmental habitats and resources are maintained.

Policy LU 5.1.1 Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and federal (NEPA) and state (CEQA) regulations.

Goal LU 14.1 Preserve the City's open spaces.

Objective LU 14.1 Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

Policy LU 14.1.1 Accommodate the development of public parks, water-related recreational uses, and the conservation of environmental resources in areas designated for Open Space on the Land Use Plan Map and in accordance with Policy LU 7.1.1.

City of Huntington Beach General Plan—Environmental Resource/Conservation Element

Goals and Policies listed in the Environmental Resources/Conservation Element of the General Plan have been developed to minimize potential impacts to biological resources.

Goal ERC 2 Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic values.

Objective ERC 2.1 Evaluate, enhance, and preserve the City's important habitat areas.

Policy ERC 2.1.9 Preserve the habitat of endangered species, including those listed in Table BR-1 of the Technical Background Report and those which may be considered by the City in the future.

Policy ERC 2.1.10 Conduct construction activities to minimize adverse impacts on existing wildlife resources.

Consistency Analysis

The proposed project would be consistent with the goals and policies of the City of Huntington Beach General Plan. As discussed below under Impact 4.3-1, migratory avian species protected under the MBTA may use trees in the proposed project area for nesting during breeding season. Implementation of the mitigation measure **MM4.3-1** would ensure the protection of migratory bird species/habitat. As such, through implementation of the proposed mitigation measure, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources (e.g., Policies LU 5.1.1, LU14.1.1, ERC 2.1.9 and ERC 2.1.10 of City's General Plan—Environmental Resource/Conservation Element), which are designed to protect sensitive species and their habitats within the City from development and related construction activities.

4.3.6 Project Impacts and Mitigation

■ Analytic Method

The analysis of impacts is based on the process described in Section 4.3.2 (Methodology) of this chapter.

■ Thresholds of Significance

The following thresholds of significance are based on Appendix G to the 2009 CEQA Guidelines. For purposes of this Environmental Impact Report, implementation of the proposed project may have a significant adverse impact if it would do any of the following:

- Have a substantial adverse effect, either directly (e.g., habitat loss) or indirectly (e.g., noise effects on wildlife) through habitat modifications, on any species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of Section 15380 (b), (c) or (d) of the CEQA Guidelines
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of fish and Game or US Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

■ Effects Not Found to Be Significant

Threshold	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of Section 15380 (b), (c) or (d) of the CEQA?
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As mentioned in Section 4.3.3 (Special-Status Biological Resources) and substantiated by Appendix C, no endangered, rare, threatened, or special status plant or wildlife species, or their associated habitats designated by the USFWS, CDFG, or CNPS are known to occur within the project site. Therefore, there are **no impacts** on special-status species associated with implementation of the proposed project, either directly or indirectly, and no further analysis is required in this EIR. The potential for construction impacts to birds protected under the *Migratory Bird Treaty Act* (MBTA) is analyzed under Impact 4.3-1.

Threshold	Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?
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The Specific Plan area and surrounding areas are completely developed and/or disturbed. No known riparian habitat or other sensitive natural communities are located in these areas. According to the Generalized Habitat Area map, Figure ERC-2 of the Huntington Beach General Plan Environmental Resources/Conservation Element, no sensitive natural communities are located within the project site. Therefore, **no impacts** to riparian habitat or other sensitive natural communities would occur.

Threshold	Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?
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Wildlife movement is defined and described in Section 4.3.4 (Wildlife Movement) of this document. There are no wildlife nursery sites within the Specific Plan, and the project site is not part of a major or local wildlife corridor/travel route, as it does not serve to connect two significant habitats. It is located within a developed urban landscape, surrounded by existing commercial, institutional, and residential uses. The existing SCE right-of-way that is the northernmost parcel within the Specific Plan area does not connect to a larger open space area and does not provide adequate space, cover, food, and water to accommodate or facilitate significant wildlife movement. The project site and surrounding areas are completely developed and/or disturbed. The Specific Plan is surrounded by urban development, including two highways (I-405 to the north and east, and Pacific Coast Highway to the south), and, therefore, does not function as a wildlife movement corridor. The SCE parcel is constrained and fragmented as a result of urban development and the I-405 freeway. As such, the project site does not fit in to any of the wildlife movement categories previously described (travel route, wildlife crossing, wildlife corridor), and development within the Specific Plan would only disrupt local foraging of the avian and ground-dwelling species. **No impact** on wildlife movement would occur.

Threshold	Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
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No habitat conservation plan or natural community conservation plan affects the Specific Plan area. No conflict with conservation plans would occur, and no further analysis of this issue is required. **No impact** is anticipated.

Threshold	Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
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Applicable City policies and/or ordinances are detailed in Section 4.3.5 (Regulatory Framework) of this document. The City does not have any local tree protection ordinances or any additional policies or ordinances protecting biological resources which are not endangered. Two policies of the General Plan (Policies ERC 2.1.9 and ERC 2.1.10) are designed to protect sensitive species and their habitats within the City from development and related construction activities. Project applicants are required to comply with these General Plan policies; therefore, no impact is anticipated.

■ Impacts and Mitigation Measures

Threshold	Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of Section 15380(b), (c) or (d) of the CEQA?
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Impact 4.3-1 Construction of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on birds protected under the *Migratory Bird Treaty Act*. However, with mitigation measures, this impact is considered *less than significant*.

As discussed in Section 4.3.5, migratory avian species that may use portions of the Specific Plan area for nesting during the breeding season are protected under the MBTA. Although the SCE property will remain in its current state and will not be altered as a result of Specific Plan implementation, construction-related activities within the Specific Plan area that may include, but are not necessarily limited to, building demolition and/or relocation, grading, materials laydown, access and infrastructure improvements, and building construction, could result in the disturbance of nesting migratory species covered under the MBTA that could occupy the urban landscape within the Specific Plan Area. The most identifiable potential direct impact to migratory species would involve the removal of vegetation (especially trees) within the Specific Plan area. Although no identifiable habitats exist within the Specific Plan area, this does not preclude the presence of migratory species nesting among the existing landscape vegetation. At this time, the precise number of trees that would be removed or the number of trees that could be indirectly impacted by construction activities, are not known. However, as mentioned above, the MBTA provides for the protection of migratory birds, including the nonpermitted take of migratory birds. Implementation of mitigation measure MM4.3-1 would reduce this potentially significant impact to

a less-than-significant level by ensuring that surveys for MBTA species are performed during the appropriate time of year and, if necessary, construction buffer zones are established to protect nesting MBTA species. As such, the following mitigation measure shall be implemented prior to the construction of any project-level development:

MM4.3-1 *Nesting avian species protected by the MBTA:*

- a. *Prior to any construction or vegetation removal between February 15 and August 31, a nesting bird survey shall be conducted by a qualified biologist of all habitats within 250 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 250 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds) a 100-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS.*
- b. *Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.*

There are no sensitive species anticipated to exist in the proposed Specific Plan area. However, implementation of mitigation measure **MM4.3-1** would require surveys for MBTA-protected species, and includes impact-avoidance measures to ensure that the substantial loss of these species will not occur. These measures would reduce this impact to a ***less-than-significant*** level.

Threshold	Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
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Impact 4.3-2 **Implementation of the proposed project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the *Clean Water Act* (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. However, with mitigation measures, this impact is considered ***less than significant***.**

There are no wetland habitats or blue-line streams within the project site, as defined by the *Clean Water Act* or the *California Fish and Game Code*. However, wetlands do exist south of the project boundary near Pacific Coast Highway that could be potentially impacted by development of the proposed project. In addition, over the build-out horizon of the Specific Plan, the potential exists for new wetlands to be created or develop within the project site.

Fill or disturbance of wetland habitat would be considered a significant impact. Implementation of mitigation measure MM4.3-2 would reduce this potentially significant impact to a ***less-than-significant level*** by ensuring that a wetland delineation is conducted prior to development of any vacant parcels, as deemed necessary by the City of Huntington Beach.. If wetlands are found, the project applicant will be required to obtain all necessary wetland permits and mitigate for impacts to wetland habitats.

MM4.3-2

Wetland Habitat

- a. *For projects located on vacant (nondeveloped) land, preparation of a wetland delineation shall be required as deemed necessary by the City of Huntington Beach. The delineation shall be conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, and the September 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). The delineation report shall be prepared and submitted to the U.S. Army Corps of Engineers (USACE) for their verification. A copy of the USACE's verification letter and the delineation report shall be provided to the City of Huntington Beach. If no wetlands are present on the project site, no additional measures shall be required.*
- b. *Prior to the issuance of grading permits by the City, if wetlands are present on the project site (based on the verified wetland delineation), the project applicant shall acquire all applicable wetland permits. These permits include, but would not be limited to, a Section 404 Wetlands Fill Permit from the USACE, or a Report of Waste Discharge from the Regional Water Quality Control Board (RWQCB), and a Section 401 Water Quality Certification from the RWQCB. Additionally, a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) would be required for development that would cross or affect any stream course (including the Barge Canal).*
- c. *The project applicant shall, where feasible, preserve the maximum amount of existing wetlands and establish minimum 25- to 50-foot buffers around all sides of these features. In addition, the final project design shall not cause significant changes to the pre-project hydrology, water quality, or water quantity in any wetland that is to be retained on site. This shall be accomplished by avoiding or repairing any disturbance to the hydrologic conditions supporting these wetlands, as verified through wetland protection plans.*
- d. *Where avoidance of existing wetlands and drainages is not feasible, then mitigation measures shall be implemented for the project-related loss of any existing wetlands on site, such that there is no net loss of wetland acreage or habitat value.*

Wetland mitigation shall be developed as a part of the Section 404 CWA permitting process, or for nonjurisdictional wetlands, during permitting through the RWQCB and/or CDFG. Mitigation is to be provided prior to construction related impacts on the existing wetlands. The exact mitigation ratio is variable, based on the type and value of the wetlands affected by the project, but agency standards typically require a minimum of 1:1 for preservation and 1:1 for construction of new wetlands. In addition, a wetland mitigation and monitoring plan shall be developed that includes the following:

- *Descriptions of the wetland types, and their expected functions and values*
- *Performance standards and monitoring protocol to ensure the success of the mitigation wetlands over a period of five to ten years*
- *Engineering plans showing the location, size and configuration of wetlands to be created or restored*
- *An implementation schedule showing that construction of mitigation areas shall commence prior to or concurrently with the initiation of construction*
- *A description of legal protection measures for the preserved wetlands (i.e., dedication of fee title, conservation easement, and/or an endowment held by an approved conservation organization, government agency or mitigation bank)*

4.3.7 Cumulative Impacts

This cumulative impact analysis considers development of the proposed Specific Plan, in conjunction with other development within the City of Huntington Beach, and the surrounding communities of Newport Beach, Costa Mesa, Fountain Valley, Westminster, and Seal Beach. The primary effects of the proposed project, when considered with the past, present, and probable future projects in the vicinity of the project site, would be the cumulative direct loss of nesting migratory avian species and potential loss of wetland habitat. As specified below cumulative impacts on biological resources are analyzed on either a Regional (South Coast), Countywide, or Citywide level.

A cumulative impact analysis is only provided for those thresholds that result in a less than significant, potentially significant, or significant and unavoidable impact. A cumulative impact analysis is not provided for Effects Found Not to Be Significant, which result in no project-related impacts.

■ Nesting Migratory Avian Species

As development in the County continues, sensitive wildlife species, specifically those protected under the MBTA could be lost through continued urban development. With continued conversion of potential nesting and foraging habitat to human use, the availability and accessibility of remaining nesting, foraging and natural habitats in the County would dwindle and those remaining natural areas may not be able to support populations at or above their current carrying capacities. Thus, the conversion of potential nesting habitat on a regional level as a result of cumulative development would therefore result in a regional significant cumulative impact on special status species and their habitats.

Construction of the Specific Plan would not contribute to a loss of regional biological resources, and thus would not limit the availability and accessibility of remaining natural habitats to regional wildlife. Future development under the Specific Plan would implement mitigation measures specifically designed to avoid, reduce, or mitigate impacts to nesting avian species and their habitat. Implementation of mitigation measure MM4.3-1 requires surveys for nesting migratory avian species to avoid impacts to them and conflicts with the MBTA. Consequently, this mitigation measure will ensure that the proposed project would not have a considerable contribution to the cumulative reduction in nesting, foraging, and natural habitats in the County. Therefore, the project's cumulative impact is considered ***less than significant***.

■ Potential Loss Wetland Habitat

Estimates of wetlands that historically existed in California range from three to five million acres. The current estimate of wetland acreage in California is approximately 450,000 acres; this represents an 85 to 90 percent reduction in total amount of wetlands within California (California Wetlands Information Systems, 2009). The Huntington Beach area historically supported over 2,900 acres of tidal wetlands at the mouth of the Santa Ana River, which were developed after the river was channelized for flood control in the late 1940s. Restoration efforts at Talbert Marsh in this area are currently underway to restore 130 acres of wetland habitat. Additional restoration efforts at the Bolsa Chica Ecological Preserve have resulted in the recreation and restoration of 1,700 acres of tidal wetlands and salt marsh habitat.

While these efforts have increased the wetland acreages, and improved the value and function of the wetlands, a substantial acreage of wetlands has been lost. Any additional loss of wetland habitat is therefore a significant impact.

As discussed above, implementation of the proposed project has the potential to impact wetland habitat on vacant lands. However, mitigation measure MM4.3-2 would require projects located on undeveloped land first delineate any wetland habitat on the project site, as deemed necessary by the City of Huntington Beach. If wetlands are found, the project applicant would then be required to obtain all necessary permits and mitigate for impacts to wetland habitat. Consequently, this mitigation measure will ensure that the proposed project would not have a considerable contribution to the cumulative loss of wetland habitat in the County. Therefore, the project's cumulative impact is considered *less than significant*.

4.3.8 References

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